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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/717,043	11/19/2003	Kunio Minagawa	3408.68744	7451

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EXAMINER

BELL, CORY C

ART UNIT	PAPER NUMBER
2164	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/717,043

Applicant(s)

MINAGAWA, KUNIO

Examiner

Cory C. Bell

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 May 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3, 5-9 and 11-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5-9, and 11-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 9/19/2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.


SAM RIMELL
PRIMARY EXAMINER

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. Claims 1-3, 5-9, and 11-14 have been examined.
2. Claims 4 and 10 have been canceled.

Response to Arguments

Applicant's first argument is that Devarakonda and Hurvig fail to disclose setting and resetting a flag in the management table when sending and receiving a file. It is first noted that the exact claim language is:

"wherein said first and second data management units set an indication to indicate that a file is in use in said file management table before reading or writing said file in said data area, and reset said in use indication in said file management table after reading or writing said file in said data area to control file transfer between said networks."

This section make no mention of flags, or sending and receiving. The cite portion of claims for setting and removing the indicator is clearly shown in Hurvig col 8 lines 12-67 and Devarakonda Col 8 lines 40-51 teaches the acquire routine for setting the indicator, and col 8 line 63- Col 9 line 7 teaches clearing the indicator (i.e. removing the token)

Applicants arguments with regard to claims Arguments to claims 5 and 7, it is believed that the applicant intended this argument to be for claims 5 and 11 as 7 does not include the discussed limitation, however these arguments are moot in view of the new grounds of rejection.

Next, Applicant alleges the Devarakonda does not teach the newly added limitation: "said file management table storing the areas of disk space that are currently in use on a file-by-file basis"

However, col 5 lines 30-50, clearly shows that the file management table provides this feature.

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Next, Applicant alleges that Hurvig does not teach this feature “ However the cited figure clearly shows the file-by-file basis” Appilcant also provided no explanation as to how these portions differ from the claimed invention.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 5 and 11 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The applicant's specification provides no support for the newly added “only” statements in claims 5 and 7.

MPEP 2173.05(i) States:

Any negative limitation or exclusionary proviso must have basis in the original disclosure.

If alternative elements are positively recited in the specification, they may be explicitly excluded in the claims. See *In re Johnson*, 558 F.2d 1008, 1019, 194 USPQ 187, 196 (CCPA 1977) (“[the] specification, having described the whole, necessarily described the part remaining.”). See also *Ex parte Grasselli*, 231 USPQ 393 (Bd. App. 1983), *aff'd*

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mem., 738 F.2d 453 (Fed. Cir. 1984). The mere absence of a positive recitation is not basis for an exclusion. Any claim containing a negative limitation which does not have basis in the original disclosure should be rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-3, 6-9, and 12-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 6775686 filed August 30, 2000, known hereafter as Bellon in view of US 5454108 filed January 26, 1994, known hereafter as Devarakonda or US 5978802 filed May 5, 1997, known hereafter as Hurvig.

4. Claim 1 is rejected for the following reasons:

a storage unit having a data area for storing files to be transferred between
said networks in file units, on a file-by-file basis,(Bellon Col 2 lines 27-49) and a file management table to indicate the access status to said file; and

a data management unit for performing control between file
systems for each one of said networks(Bellon Figure 1 items 110 and 120 corresponding global coherency traffic managers, see figure 3) using said file management table, and

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wherein said data management unit comprises:

a first data management unit connected to one network of said plurality of

independent networks and for accessing said data area; (Bellon Figure 1 item 110) and

a second data management unit connected to another network of said

plurality of independent networks and for accessing said data area, (Bellon Figure 1 item 120)

wherein said first and second data management units set an indication to

indicate that a file is in use (Bellon Col 4 lines 20-28 teach locking a file which is an indication it is in use) in said file management table before reading or writing said

file in said data area, (Bellon Figure 2) and reset said in use indication in said file management table after reading or writing said file in said data area to control file transfer between said networks. (This feature is inherent to Bellon, a locked file must be released in

order for other systems to have access to a file, and the file cannot be released until after the read of write transaction has been completed as it would not solve the coherency problems it was implemented to remove.)

Bellon teaches the underlined limitations above, but fails to expressly disclose the use of a file management table to store the file access information, and the indication of its access status on a file-by-file basis. This is taught however in both Devarakonda figure 6B, and Hurving Figure 4 item 220. Thus it would have been obvious to one of ordinary skill in the art at the time of the invention to include this feature in Bellon due to the advantages of storing the information in an organized structure and the systems of Devarakonda and Hurving are analogous to the

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“arbitration and content resolution techniques for managing coherency traffic known to those of skill in the art.”

5. Claim 2 is rejected for the following reasons:

The inter-network relay storage apparatus according to Claim 1, wherein said data management unit is disposed in a pair of network servers which are connected to said networks respectively. (Bellon Figure 1 items 110 and 120)

6. Claim 3 is rejected for the following reasons:

3. (Original) The inter-network relay storage apparatus according to Claim 1, further comprising a pair of network connection servers having said data management unit respectively, and are connected to said networks respectively, and communicate data via said networks. (Bellon Figure 1 items 110, 120, 150, and 160)

6. Claim 6 is rejected for the following reasons:

a network control section for connecting with said network for communication;(Figure 3 item 320) and
said data management unit. (Figure 3 item 360)

7. Claim 7 is rejected for the following reasons:

See Claim 1 rejection.

8. Claim 8 is rejected for the following reasons:

See claim 2 rejection.

9. Claim 9 is rejected for the following reasons:

See Claims 1 and 3 rejections.

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10. Claim 12 is rejected for the following reasons:

See Claim 6 rejection

11. Claim 13 is rejected for the following reasons:

The inter-network relay storage apparatus according to

Claim 1, wherein said data management table comprises a file use control table for

storing use indication flags of each file for each file system.(Devarakonda Figure 6D “LCS”

or Hurvig Figure 4 item 220) It would have been obvious to one of ordinary skill in the art at

the time of the invention to include this feature in Bellon do the advantages of storing the

information in an organized structure and the systems of Devarakonda and Hurvig are

analogous to the “arbitration and content resolution techniques for managing coherency traffic

known to those of skill in the art.”

12. Claim 14 is rejected for the following reasons:

See Claim 13 rejection.

Claims 5 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 6775686

filed August 30, 2000, known hereafter as Bellon in view of US 5454108 filed January 26, 1994,

known hereafter as Devarakonda or US 5978802 filed May 5, 1997, known hereafter as Hurvig,

in view of “Special Edition Using Windows 95 with Internet Explorer 4.0” known hereafter as

Bott.

The rejection of claim 1 shows all the limitations of claims 5 and 11 are taught by Bellon,

Devarakonda, and Hurvig except:

wherein said data area of said storage unit comprises:

a first area which is only written by one file system of a plurality of file systems and read by

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another file system of the plurality of file systems; and
a second area which is only written by said another file system and read by said one file system.

However this cited portion would have been obvious to one of ordinary skill in the art at the time of the invention to provide this feature in view of Bott as Bott teaches applying sharing privileges to directories, including making the directories read-only to the rest of the world, (i.e. all the other file systems) and its inclusion in Bellon would have provided the advantage of access control. Second, it would have been an obvious duplication of parts for multiple effect to provide the second area, See *In re Harza*, 274 F.2d 669, 124 USPQ 378 (CCPA 1960).


Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cory C. Bell whose telephone number is (571) 272 2736. The examiner can normally be reached on m-f 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Rones can be reached on (571) 272 4085. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


SAM RIMELL
PRIMARY EXAMINER